

## DOCUMENTS

RELATIVE TO

### THE CLAIMS OF TEXAS AGAINST THE UNITED STATES

FOR

*Damages in consequence of outrages committed by citizens of the United States in the collection district of Red River, within the limits of that State, in March, 1843.*

JANUARY 6, 1846.

Submitted from the Committee on Foreign Relations, and ordered to be printed, to accompany bill S. No. 37.

DEPARTMENT OF STATE,  
January 6, 1846.

DEAR SIR: Agreeably to your oral request of yesterday, I transmit a copy of the note of Mr. Raymond, late chargé d'affaires of Texas, and of the accompanying papers, addressed to this department under date of the 10th of February last, relative to the outrage committed in the collectoral district of Red River, in that republic, by citizens of the United States; reparation for which is asked of this government.

I have the honor to be your obedient servant,

JAMES BUCHANAN.

To the Hon. A. H. SEVIER, *Senate.*

*Mr. Raymond to Mr. Calhoun.*

LEGATION OF TEXAS,  
Washington, February 10, 1845.

The undersigned, chargé d'affaires *ad interim* of the republic of Texas, by direction of his government, has the honor to transmit, herewith, to Mr. Calhoun, Secretary of State of the United States, the depositions of James Bourland, collector of customs for the Red River district, and George W. Wright, a citizen of Lamar county, and senator in the Texan Congress, in relation to the seizure, in March, 1843, by said collector, of certain goods introduced into that republic, in violation of her revenue laws, by citizens of the United States; the subsequent forcible seizure of those goods by the importers, and their abusive treatment, at the same

time, of the person of the collector;—all of which has heretofore been the subject of correspondence between the two governments.

The depositions are properly authenticated before the Hon. M. P. Norton, judge of the district court of the 6th judicial district of Texas, and establish most clearly the facts of the illegal introduction of the goods, their forcible seizure and taking away by citizens of the United States, and, as near as possible under the circumstances, the amount of damage suffered in consequence.

The evidence being full and explicit, covering all the points suggested in Mr. Calhoun's note of the 2d of December last to the undersigned on this subject, and the whole case having been fully examined and discussed, the undersigned can at present see no obstacle to its speedy, final, and satisfactory adjustment;—an event which he hopes soon to have the pleasure of communicating to his government.

The undersigned avails himself of this occasion to offer Mr. Calhoun renewed assurances of his distinguished consideration.

CHAS. H. RAYMOND.

To the Hon. J. C. CALHOUN, &c., &c., &c.

*The deposition of James Bourland, collector of customs for the Red River district, composed of the counties of Fannin, Lamar, Bowie, and Red River, with the late judicial county of Paschal.*

I, James Bourland, being first duly sworn upon the Holy Evangelist of Almighty God, do, upon oath, depose and say: That on or about the fifteenth day of March, A. D. 1843, certain goods, wares, and merchandise, as hereinafter described, were imported and introduced into the republic of Texas, at a place in the county of Red River, and in the collectoral district aforesaid, situate upon the southerly bank of Red river, called Brierly's landing, also known by the name of Rowland. The said goods, wares, and merchandise were imported from some port or ports in the United States upon a steamboat called the Fort Towson, the same being a foreign vessel, owned by citizens of the United States, and were landed at the time and place aforesaid by the officers and crew of said steamboat, who proceeded to store and deposite the same in a certain warehouse there; that no stress of weather or misfortune or emergency existed, as this deponent believes, to cause the same to be so landed and stored, but that the said steamboat immediately thereafterwards departed for the purpose of receiving another cargo at some place further down the said river, and in the United States, with which to return; that, although there was an officer of the customs in the immediate neighborhood of that place at that time, still no report was made to him by the officer in command of said steamboat, as required by the revenue laws of Texas, nor were the impost duties prescribed by those laws paid or tendered before or after the landing and depositing of said goods, wares, and merchandise as aforesaid; that afterwards, on or about the twenty-sixth day of March, 1843, I, the said deponent, believing that said goods, wares, and merchandise had been introduced in the territory of this republic in violation of the revenue laws thereof, and that the same were concealed in said warehouse, procured a warrant from the proper judicial authority, and, by vir-

tue thereof, proceeded to search for said goods, wares, and merchandise, and accordingly found the same in the warehouse, where they had been deposited as aforesaid; whereupon, I seized the same in accordance with the laws in that behalf, and instituted proceedings in admiralty, to the end that the said goods, wares, and merchandise might be proceeded against, condemned, and disposed of according to law; that the said goods, wares, and merchandise, so found and seized by me as aforesaid, consisted of the following articles and packages, and are in other respects as follows, viz:

"D & T., Doaksville"—5 bales, 9 boxes, 9 sacks coffee, 2 barrels, 9 kegs, 1 small box of glass, 1 large cask.

D. & T., Fort Towson—14 sacks coffee, 4 boxes.

D. & T.—112 pieces castings, 44 plough moulds, 101 bars iron, 9 slabs iron, 4 bundles iron.

[A] F. T.—23 barrels, 5 bales, 37 sacks coffee, 1 bale blankets, 1 bale bagging, 1 box, 36 kegs.

A. P. U., Fort Towson—5 boxes, 1 barrel, 1 sack coffee.

Revd. Alfred Wright, Wheelock, care of Doak & Tims—2 boxes, 1 bag feathers, 2 kegs, 1 bundle mattresses, marked G. N. H., 1 barrel.

Revd. Cyrus Byrington, care of Doak & Tims—1 box, 1 barrel.

Gerard Olmsted, Wheelock, near Fort Towson—2 boxes, marked C. N.

B. H. C.—29 barrels, 2 bales blankets, 23 sacks coffee, 20 kegs.

T. F.—5 boxes, 1 willow carriage, 43 plough moulds, 15 flat bars iron, 1 bundle nail iron, 11 bars rolled iron, 1 bale twine, 14 bales bagging, 1 dozen tea-pots, 3 casks, 28 sacks salt, 14 coils rope.

B. H.—16 bales bagging, 1 bale twine.

B.—248 pieces castings, 27 pairs andirons, 1 barrel.

[S.,] Doaksville—21 barrels, 21 boxes, 1 cask, 11 kegs, 13 bags shot, 22 boxes, 142 brooms, 31 painted buckets, 2 sacks coffee.

Shrack & Nail, Doaksville—3 boxes, 14 kegs, 4 bales bagging, 3 tin canisters, 1 coil rope, 4 small boxes, 1 large oven, 1 barrel.

[S.] F. T., Fort Towson—8 barrels, 35 sacks coffee, 19 boxes, 19 kegs, 20 painted buckets.

[S.]—130 pieces castings, 29 sacks salt.

Lieutenant Wetmore, Fort Washita—1 dozen windsor chairs, 3 lanterns, 10 barrels, 28 boxes, 48 kegs, 1 bale,  $\frac{1}{2}$  dozen spades, 1 bellows and vice, 1 set of measures and bunch of wire, 2 handbarrows, 1 dozen sneeds, 1 dozen pitch-forks, 1 dozen spades,  $\frac{1}{2}$  dozen buckets, 1 dozen pitch-forks, 1 dozen spades marked U. S., 1 large cask marked U. S., 8 cast ploughs, 2 drays, 1 pair wagon wheels, 6 X cut saws, 6 spades.

P. J. A., Fort Towson—7 barrels, 2 bundles leather, 1 box, 10 sacks coffee, 1 coil rope, 1 bundle kip skin leather, 2 large casks, 25 sacks salt.

B. F. Cocke, Jonesboro', Texas—3 barrels, 3 boxes, 4 sacks coffee, 5 kegs.

[B.] Fort Washita—5 barrels, 1 box, 5 kegs.

John McDowal, Fort Towson, care of B. & H.—4 barrels, 6 boxes.

[W.]—33 sacks salt.

J. J. Hillon—1 bale bagging.

M. & G. Brown—1 coil rope.

L. A. Singleton—2 coils rope.

A. L.—2 coils rope.

R. N.—2 coils rope, 28 bunches twine.

R. H., near Scott's place—6 bales bagging, 9 coils rope, 5 sacks salt.  
 B. & J.—1 box.  
 B. & B.—2 bales blankets.  
 Joseph Gloss—1 bale bagging.  
 George Brinley's—1 sack salt.  
 J. R. W.—1 sack salt.  
 B. J. H.—1 sack salt.  
 G. B.—1 sack salt.  
 W. B. H.—1 sack salt.  
 J. B. M.—1 sack salt.  
 J. S. & N. P.—1 sack salt.  
 Goods found not marked or numbered.—91 painted buckets, 6 whip saws, 3 stone jugs, 1 stone jar, 1 piece bagging, 1 coil rope, 30 brooms, 4 large willow crates, 7 sacks salt, 1 barrel, 6 frying pans, [S.] [A.,] 64 pigs lead.

And I, the said deponent, do further state, that the necessary expenses incurred in the premises, and in taking charge of said goods, wares, and merchandise, and in the necessary examination, removal, and re-packing of the same, in the discharge of my official duty consequent upon such seizure, amounted to the sum of one hundred dollars; and that the aggregate value of the said goods, wares, and merchandise, was at least fifty-four thousand dollars, as appeared from the examination and from the fullest and best information that I could obtain from the owners and traders interested in the same.

And I, the said deponent, do further declare and say, that about the eighth of April, 1843, while I was in lawful possession of the said goods, wares, and merchandise, at Rowland, aforesaid, Captain Joseph Scott, commander of the steamer Fort Towson, aforesaid, together with the crew of said boat, aided by a part of the hands employed on the steamboat "Hunter," consisting of from thirty to forty men, all of whom were citizens of the United States, came suddenly upon me, and having thrown me violently upon the ground, they proceeded to tie and confine me with a rope, which they drew around my arms, shoulders, and legs, so as to prevent me from rising, keep me in a prostrate condition on the ground, and utterly prevent the use of my limbs. At the same time they, with insults and abusive language, took from my person my brace of pistols, knife, and keys, and carried them on board the boat. In the meantime, Capt. Scott himself, who had the command and direction of the crowd, and who is a resident of Arkansas, stood over me armed with a gun, several others of his crew also standing about, armed with guns; while the remainder, by his order, proceeded to the warehouse, broke the door from its hinges, and conveyed all the goods, wares, and merchandise aforesaid, on board of the steamboat Fort Towson, then at the landing; after which, Capt. Scott and the crew went on board the boat and immediately put off.

In relation to the amount of damages sustained in consequence of the forcible seizure and taking away the said goods, wares, and merchandise, under the circumstances before recited, I, the said deponent, can only remark, that I cannot pretend to suggest the proper rule for estimating these damages.

The aggregate value of the property seized and taken away from my possession as aforesaid, by Capt. Scott and others, citizens of the United



States, cannot, in my opinion, fall short of *fifty-four thousand dollars*. The expenses incurred by me attending my official seizure of the goods, &c., as above mentioned, cannot be fairly estimated at less than *one hundred dollars more*; and the damages sustained in my own person, by reason of the indignities so offered me as aforesaid, while in the lawful discharge of my official duties, I will not attempt to estimate, but will leave this item to the decision of the authorities interested in the final adjustment of the affair between the two countries.

And further this deponent saith not.

JAMES BOURLAND,  
*Collector of Red River District.*

REPUBLIC OF TEXAS,  
*January 18, 1845.*

Then the above-named James Bourland personally appeared and made oath to the truth of the foregoing deposition by him subscribed before me.

M. P. NORTON,  
*Judge of the District Court, 6th Jud. District.*

*The deposition of the Hon. George W. Wright, of Lamar county, a senator in the Congress of the republic now in session.*

I, George W. Wright, a citizen of Lamar county, in the republic of Texas, being sworn upon the Holy Evangelist of Almighty God, do upon my oath depose and say, that in the latter part of the month of March, A. D. 1843, I was in company with Messrs. Timms, Bartholet, and others, citizens of the United States, who were interested as owners or otherwise in goods, wares, and merchandise, which, about the fifteenth of that month, had been landed from the steamboat Fort Towson, Captain Joseph Scott master, at Brierly's landing, in Red River county, in alleged violation of the revenue laws of Texas, and for that cause had been seized by Captain James Bourland, collector, &c.

That those gentlemen, being interested in obtaining the release of the goods, applied to me to aid them in so doing, by advice and by becoming security in any bond or obligation to the government of the republic which might be necessary to effect the legal release of the goods. They informed me that the value of goods, wares, and merchandise, so seized, amounted in the aggregate to the sum of about *fifty thousand dollars*.

I understood from those gentlemen, and have learned from many others acquainted with the transaction, that the facts and circumstances attending the illegal introduction of said goods, their consequent seizure by the collector, Mr. Bourland, and their subsequent forcible taking and removal by Captain Scott and others, citizens of the United States, were substantially the same as related in the accompanying deposition of Mr. Bourland himself, which I have carefully perused and examined.

J. W. WRIGHT.

REPUBLIC OF TEXAS, *January 18, 1845.*

Then the above-named J. W. Wright personally appeared and made oath to the truth of the foregoing deposition by him subscribed before me.

M. P. NORTON,  
*Judge of the Dist. Court, 6th Jud. Dist.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]